

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16320 of 2019

Arising Out of PS. Case No.-687 Year-2018 Thana- SAMASTIPUR MUFFASIL District-Samastipur

CHHOTU KUMAR, aged about 36 years, Male, S/o Sudhir Mahto, Resident
of village-Madhopur Satanpur, P.S.-Ujiyarpur, District-Samastipur
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Vinay Kumar Mishra, Adv.
For the Opposite Party : Mr. Atul Chandra, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 26-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
27.11.2018 in connection with Muffasil P.S. Case No. 687 of
2018 for the offences alleged under Sections 414 and 34 of the
Indian Penal Code and under Sections 25(1-B)(a), 26 and 35 of
the Arms Act.

The prosecution case, as lodged by the police
personnel, is that while investigating Muffasil P.S. Cases No.
645 of 2018 and 644 of 2018 the police suspected that the stolen
mobile in the aforesaid case was being possessed by the
petitioner and a raid was conducted and the stolen mobile was
found in his possession. He revealed the name of other
accomplices who has participated in loot with the help of arms
and, accordingly, raid was conducted in the house of the



associates of the petitioner and arms and ammunitions were recovered along with stolen motorcycle. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that no arms or weapons were recovered from the possession of the petitioner, hence, no case is made out under the Arms Act against the petitioner. He, further, submits that the petitioner has been sufficiently punished and undertakes to cooperate in the investigation. He, further, submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses and the petitioner is languishing in judicial custody since nearly four months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and the materials on record, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Muffasil P.S. Case No. 687 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Samastipur,



subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

U		T	
---	--	---	--

